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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 000559

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TAGS: PHUM PGOV PREL BO

SUBJECT: GOB SUSPENDS THREE INVESTIGATIONS OF TWO DISAPPEARANCES AND ONE MURDER

REF: 05 MINSK 320

Classified By: AMBASSADOR GEORGE KROL FOR REASONS 1.4 (B,D)

¶1. (C) Summary: During the first two weeks of May, GOB authorities announced that investigations into the 1999-2000 disappearances of two opposition activists and the 2004 murder of a journalist were suspended. Independent investigator Garry Pogonayilo believes the lack of progress is due to the authorities' own participation in the crimes. Therefore, as long as the Lukashenko regime is in power, the cases will never be "solved." Pogonayilo and international lawyers are building a case against the GOB leadership and hope to get international warrants of arrest for GOB officials suspected in these crimes. End Summary.

Investigations Go Cold

¶2. (U) On May 3, the mother of missing cameraman Dmitry Zavadsky, who disappeared in July 2000, received a letter from the Prosecutor General's Office informing her that the investigation into her son's disappearance was suspended on March 31. The letter, signed by the deputy head of the corruption department Ivan Branchel, indicated that the investigation was suspended because authorities failed to find Zavadsky's body. In spring 2004 authorities suspended the case for the same reason before resuming the investigation in April 2005.

¶3. (U) The investigation into the 1999 disappearance of former Interior Minister Yury Zakharenko has also produced few results. In February, the chair of the Supreme Court Valentin Sukalo announced that Zakharenko would likely be declared legally deceased, just as the court initially declared in 2002. On May 10, Zakharenko's mother received a letter from the Prosecutor General's Office informing her that the investigation would be extended for another two months. It was the first official information Zakharenko's mother had received about her son's case in three years.

¶4. (U) Despite having the body of journalist Veranika Charkasova, who was murdered in October 2004 (reftel), as well as knowing the crime scene, the Minsk Prosecutor's Office on May 16 informed the Belarusian Association of Journalists that the investigation into her death was suspended again on March 14. The investigation was suspended in December for the same reason—"the person that should have been brought to responsibility had not been identified." The case had been reopened for only three weeks.

Independent Investigator Not Surprised

¶5. (C) On May 24, Garri Pogonayilo--a human rights lawyer for the Belarusian Helsinki Committee and investigator for the families of disappeared activists Dmitry Zavadsky, Anatoly Krasovsky, and Viktor Gonchar--told Poloff he was not surprised at the lack of progress in the GOB's investigations. According to Pogonayilo, Zavadsky's case evoked too many unanswered questions, particularly why the two former ALMAZ officers convicted of abducting Zavadsky and sentenced to life in prison have never confessed to the crime and why authorities still have not found Zavadsky's body. Pogonayilo believes that if the two men were indeed guilty, then the authorities by now would have given them lighter sentences in exchange for Zavadsky's location. The investigation into Zakharenko's disappearance has also yielded no new information. Pogonayilo believes the lack of resolve in all the investigations is an indication that authorities were letting the cases "gather dust" and/or keeping the information secret to conceal the GOB's involvement in the crimes.

Investigators Preparing For International Court

¶6. (C) On May 27 Pogonayilo will travel to Germany to work with international lawyers about possibly initiating an investigation and court case against the GOB leadership for its participation in the disappearances. Pogonayilo and the lawyers intend to evaluate Belarusian and international legislation, particularly clauses allowing foreign nations to initiate court hearings against those involved in gross human rights abuses. According to Pogonayilo, this process allowed Spanish authorities to issue an arrest warrant for former Chilean leader Augusto Pinochet, arrest him in Britain, and repatriate him to Chile. Pogonayilo hopes his attempts, in

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time, will be successful in securing international arrest warrants for GOB officials implicated in the disappearances, namely Interior Minister Vladimir Naumov, Former Interior Minister Yury Sivakov, Former Prosecutor General (currently head of the Security Council) Viktor Sheiman, and Special Forces Commander Dmitry Pavlichenko.

Comment

¶7. (C) The developments (or lack there of) in the GOB-led investigations into the disappearances and murders come as no surprise. The authorities' handling of the cases and their apathy do little to support their claims of nonparticipation in the kidnappings and presumed murders of these activists. As Pogonayilo noted, we are unlikely to see progress in the investigations until the guilty (including Lukashenko) are no longer in power.

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